

MESSAGE NO: 9279213 MESSAGE DATE: 10/06/1999
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: ORD-Order PUBLIC NON-PUBLIC
SUB-TYPE:

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REFERENCE 7121115
MESSAGE #
(s):

CASE #(s): A-462-105

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/20/1995 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: ANTIDUMPING DUTY ORDER OF PURE MAGNESIUM FROM THE RUSSIAN
FEDERATION (A-462-105)

MESSAGE NO: 9279213

DATE: 10 06 1999

CATEGORY: ADA

TYPE: ORD

REFERENCE: 7121115

REFERENCE DATE: 05 01 1997

CASES: A - 462 - 105

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PERIOD COVERED: 12 20 1995 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: ANTIDUMPING DUTY ORDER OF PURE MAGNESIUM FROM THE
RUSSIAN FEDERATION (A-462-105)

CLARIFICATION OF U.S. CUSTOMS MESSAGES NO 7121115 DATED
05/01/1997 NO 6227111 DATED 08/15/1996; NO 6022114 DATED
01/22/1996 AND NO 5135112 DATED 05/15/1995 CONCERNING THE
ANTIDUMPING ORDER OF PURE MAGNESIUM FROM THE RUSSIAN FEDERATION
(A-462-105)

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER
ON DECEMBER 20, 1995, NOTICE OF ITS AMENDED ANTIDUMPING DUTY
ORDER IN THE ANTIDUMPING DUTY INVESTIGATION OF PURE MAGNESIUM

FROM THE RUSSIAN FEDERATION. PARAGRAPH 4 OF THIS MESSAGE CLARIFIES THE PREVIOUS INSTRUCTIONS ISSUED TO CUSTOMS PURSUANT TO THE ANTIDUMPING ORDER.

2. THE PRODUCT COVERED BY THIS ORDER IS PURE PRIMARY MAGNESIUM REGARDLESS OF CHEMISTRY, FORM OR SIZE, UNLESS EXPRESSLY EXCLUDED FROM THE SCOPE OF THIS ORDER. PURE PRIMARY MAGNESIUM ENCOMPASSES PRODUCTS (INCLUDING, BUT NOT LIMITED TO, BUTT ENDS, STUBS, CROWNS AND CRYSTALS) WITH THE FOLLOWING PRIMARY MAGNESIUM CONTENTS:

(1) PRODUCTS THAT CONTAIN AT LEAST 99.95% PRIMARY MAGNESIUM, BY WEIGHT (GENERALLY REFERRED TO AS "ULTRA-PURE" MAGNESIUM);

(2) PRODUCTS THAT CONTAIN LESS THAN 99.95%, BUT NOT LESS THAN 99.8% PRIMARY MAGNESIUM, BY WEIGHT (GENERALLY REFERRED TO AS "PURE" MAGNESIUM); AND

(3) PRODUCTS (GENERALLY REFERRED TO AS "OFF-SPECIFICATION PURE" MAGNESIUM) THAT CONTAIN 50% OR GREATER, BUT LESS THAN 99.8%, PRIMARY MAGNESIUM, BY WEIGHT, AND THAT DO NOT CONFORM TO ASTM SPECIFICATIONS FOR ALLOY MAGNESIUM.

"OFF-SPECIFICATION PURE" MAGNESIUM IS PURE PRIMARY MAGNESIUM CONTAINING MAGNESIUM SCRAP, SECONDARY MAGNESIUM, OXIDIZED MAGNESIUM OR IMPURITIES (WHETHER OR NOT INTENTIONALLY ADDED) THAT CAUSE THE PRIMARY MAGNESIUM CONTENT TO FALL BELOW 99.8% BY WEIGHT. IT GENERALLY DOES NOT CONTAIN, INDIVIDUALLY OR IN COMBINATION, 1.5% OR MORE, BY WEIGHT, OF THE FOLLOWING ALLOYING ELEMENTS; ALUMINUM, MAGANESE, ZINC, SILICON, THORIUM, ZIRCONIUM AND RARE EARTHS.

IF ENTRY DOCUMENTATION FAILS TO ESTABLISH THAT THE PURE PRIMARY MAGNESIUM CONTENT TO OF THE IMPORTED MERCHANDISE FALLS OUTSIDE OF

THE ABOVE-DESCRIBED PARAMETERS, THEN LIQUIDATION SHALL BE SUSPENDED AND APPROPRIATE ANTIDUMPING DUTY DEPOSITS COLLECTED UNLESS THE MERCHANDISE IS EXPRESSLY EXCLUDED FROM THE ORDERS AS

DESCRIBED BELOW.

THE ONLY PRIMARY MAGNESIUM PRODUCTS THAT ARE EXCLUDED FROM THE SCOPE OF THIS ORDER ARE ALLOY PRIMARY MAGNESIUM, (THAT MEETS ASTM SPECIFICATIONS FOR ALLOY MAGNESIUM), PRIMARY MAGNESIUM ANODES, GRANULAR PRIMARY MAGNESIUM (INCLUDING TURNINGS, CHIPS AND POWDERS) HAVING A MAXIMUM PHYSICAL DIMENSION (I.E., LENGTH OR DIAMETER) OF ONE INCH OR LESS, SECONDARY MAGNESIUM (WHICH HAS A PURE PRIMARY MAGNESIUM CONTENT OF LESS THAN 50% BY WEIGHT) AND REMELTED MAGNESIUM WHOSE PURE PRIMARY MAGNESIUM CONTENT IS LESS

THAN 50%, BY WEIGHT. IF THE ENTRY DOCUMENTATION FAILS TO ESTABLISH THAT THE IMPORTED MERCHANDISE (1) MEETS ASTM SPECIFICATION FOR ALLOY MAGNESIUM; (2) HAS A MAXIMUM PHYSICAL DIMENSION (I.E., LENGTH OR DIAMETER) OF ONE INCH OR LESS; (3) IS SECONDARY MAGNESIUM (WHICH HAS A PURE PRIMARY MAGNESIUM CONTENT

OF LESS THAN 50% BY WEIGHT; OR (4) IS REMELTED MAGNESIUM WHOSE PURE PRIMARY MAGNESIUM CONTENT IS LESS THAN 50%, BY WEIGHT, THEN LIQUIDATION SHALL BE SUSPENDED AND APPROPRIATE ANTIDUMPING DUTY DEPOSITS COLLECTED.

PURE MAGNESIUM PRODUCTS COVERED BY THIS ORDER ARE CLASSIFIABLE UNDER HTS SUBHEADINGS 8104.11.00, 8104.19.00, 8104.20.00, 8104.30.00, 8104.90.00, 3824.90.11, 3824.90.19 AND 9817.00.90.

3. FOR FURTHER REPORTING PURPOSES, THIS CASE HAS BEEN ASSIGNED THE FOLLOWING DOC CASE NUMBER: (A-821-805). FOR CUSTOMS PURPOSES ONLY, THIS CASE HAS BEEN ASSIGNED CASE NUMBER (A-462-105).

4. THE DEPARTMENT OF COMMERCE INVESTIGATED EXPORTS OF PURE MAGNESIUM THAT HAD BEEN PRODUCED BY TWO PRODUCERS, AVISMA AND SOLIKAMSK MAGNESIUM WORKS (SMW), AND THAT HAD BEEN EXPORTED BY NUMEROUS EXPORTERS. BASED ON THE INVESTIGATION RESULTS, THE FOLLOWING INSTRUCTIONS APPLY:

FOR ENTRIES WHERE BOTH OF THE FOLLOWING CONDITIONS HAVE BEEN SATISFACTORILY DEMONSTRATED, THE MERCHANDISE IS EXCLUDED FROM THE

ORDER AND SUSPENSION OF LIQUIDATION DOES NOT APPLY: (1) THE EXPORTER WHO FIRST SOLD THE MERCHANDISE WITH THE KNOWLEDGE THAT THE MERCHANDISE WAS DESTINED FOR THE U.S. MARKET IS EITHER AIOC, GERALD METALS, GREENWICH METALS, HOSHSCHILD PARTNERS, INTERLINK, OR MG METALS; AND (2) THE PRODUCER IS EITHER AVISMA OR SMW. WHETHER A PARTY HAS "KNOWLEDGE OF DESTINATION" IS DETERMINED IN ACCORDANCE WITH SECTION 772 OF THE TARIFF ACT OF 1930.

FOR ENTRIES WHERE BOTH OF THE FOLLOWING CONDITIONS HAVE BEEN SATISFACTORILY DEMONSTRATED, THE MERCHANDISE IS EXCLUDED FROM THE

ORDER AND SUSPENSION OF LIQUIDATION DOES NOT APPLY: (1) THE EXPORTER WHO FIRST SOLD THE MERCHANDISE WITH THE KNOWLEDGE THAT THE MERCHANDISE WAS DESTINED FOR THE U.S. MARKET IS EITHER RAZNO ALLOYS, HUNTER DOUGLAS, OR SMW (NOTE: SMW IS BOTH AN EXPORTER AND A PRODUCER); (2) THE PRODUCER IS SMW. WHETHER A PARTY HAS "KNOWLEDGE OF DESTINATION" IS DETERMINED BY THE DEPARTMENT OF COMMERCE IN ACCORDANCE WITH SECTION 772 OF THE TARIFF ACT OF 1930.

FOR ENTRIES WHICH THE IMPORTER FAILS TO DEMONSTRATE TO CUSTOMS' SATISFACTION THAT ONE OF THE ABOVE SETS OF CONDITIONS APPLIES EXACTLY AS STATED, THE DEPOSIT RATE IS 100.25%. IF CUSTOMS IS UNABLE TO DETERMINE WHETHER THE IMPORTER HAS SATISFIED ONE OF THE ABOVE SET OF CONDITIONS, REFER THE MATTER TO THE DEPARTMENT OF COMMERCE.

LIQUIDATE ENTRIES IMPORTED BY GREENWICH METALS INC. WHICH ARE PRODUCED BY AVISMA AND SOLIKAMSK MAGNESIUM WORKS (SMW) BECAUSE WE

HAVE DETERMINED THAT GREENWICH METALS IS THE EXPORTER THAT FIRST SELLS THE MAGNESIUM WITH KNOWLEDGE THAT IT IS DESTINED FOR THE U.S. MARKET. ACCORDINGLY, THESE ENTRIES FROM THIS EXPORTER ARE EXCLUDED FROM THE ANTIDUMPING DUTY ORDER.

THE U.S. CUSTOMS SERVICE SHALL, EXCEPT AS NOTED ABOVE, CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRY SUMMARIES OF PURE MAGNESIUM

FROM THE RUSSIAN FEDERATION THAT ARE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER NOVEMBER 7, 1994. EFFECTIVE MAY 12, 1995, CUSTOMS SHALL, EXCEPT AS NOTED ABOVE, REQUIRE A CASH DEPOSIT FOR SUCH ENTRY SUMMARIES OF THE SUBJECT MERCHANDISE ACCORDING TO THE FOLLOWING SCHEDULE.

MANUFACTURER/ EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENTAGE
ALL THIRD COUNTRY		
EXPORTERS & RESELLERS	A-462-105-001	110.25%
AIOC	A-462-105-002	0.0%
GERALD METALS	A-462-105-003	0.0%
HUNTER DOUGLAS	A-462-105-004	0.0%
INTERLINK	A-462-105-005	0.0%
MG METALS	A-462-105-006	0.0%
RAZNO	A-462-105-007	0.0%
F&S ALLOYS & MINERALS	A-462-105-008	100.25%
W&O BERGMANN GMHB	A-462-105-009	100.25%
DEREK RAPHAEL & CO.	A-462-105-010	100.25%
MARCO TRADING CO.	A-462-105-011	100.25%
WOGEN GROUP LTD.	A-462-105-012	100.25%
ALEX	A-462-105-013	100.25%
MACES	A-462-105-014	100.25%
HOCHSCHILD	A-462-105-015	0.0%
GREENWICH	A-462-105-016	0.0%
SMW	A-462-105-017	0.0%
RUSSIA WIDE	A-462-105-000	100.25%

ENTRIES FROM EXPORTERS WHOSE MARGINS ARE ZERO ARE EXCLUDED ONLY UNDER THE CIRCUMSTANCES DESCRIBED ABOVE.

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, IMPORT OPERATIONS, ANTIDUMPING/COUNTERVAILING DUTY, USING ATTRIBUTE "HQ OAB". OTHER INTERESTED PARTIES SHOULD CONTACT DAVID J. GOLDBERGER, IMPORT

ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S.
DEPARTMENT OF COMMERCE, TELEPHONE (202) 482-4136.

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party